

**RULES  
OF  
THE TENNESSEE BOARD OF REGENTS  
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

**INSTITUTIONAL STUDENT DISCIPLINARY RULES**

**CHAPTER 0240-3-5  
TENNESSEE STATE UNIVERSITY  
STUDENT DISCIPLINARY RULES**

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**0240-3-5-.01 INSTITUTION POLICY STATEMENT.**

- (1) University students are citizens of the state, local and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the State Board of Regents has authorized the President of the University to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization, the University has developed the following Regulations which are intended to govern student conduct on the campus. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institution may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local, or national laws.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by the Public Chapter 261; effective July 1, 1983. New rules filed April 28, 1983; effective July 13, 1983.

**0240-3-5-.02 DISCIPLINARY OFFENSES.**

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property.
- (2) Students shall be subject to all rules and regulations of the University and Tennessee Board of Regents. Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
  - (a) Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;

(Rule 0240-3-5-.02, continued)

- (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;
- (d) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following:
  - 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities.
  - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities.
  - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
- (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution.
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institution documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind including BB guns, Pellet guns, Paintball guns, water guns, cap guns, or other weapons that simulate a firearm.
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic beverages. The use and/or possession of alcoholic beverages on university owned or controlled property.

(Rule 0240-3-5-.02, continued)

- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance;
  - (l) Misuse of computers or computing resources. Computing resources at the University exist for the purpose of education, research, services and administration. Users are authorized to use the computer facilities for those purposes that conform to the goals and objectives of TSU. The use of computing resources for any purpose other than a purpose for which they are intended is an act of misconduct. The University's Code of computing Practice is herein incorporated.
  - (m) Gambling. Gambling in any form;
  - (n) Financial irresponsibility. Failure to meet financial responsibilities to the institution including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or a member of the institution community acting in an official capacity;
  - (o) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
  - (p) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
  - (q) Violation of general rules and regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, such as Student Handbook or Residence Hall Manual, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
  - (r) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
  - (s) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
  - (t) Failure of students certified to receive educational benefits for veterans to notify the Office of Veteran Affairs of any change in their program that will affect their certification status.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) For the purpose of these regulations, a "student" shall mean any person who is registered for study at Tennessee State University for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.

(Rule 0240-3-5-.02, continued)

**Authority:** T.C.A. §§49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed January 16, 2007; effective May 31, 2007.

### **0240-3-5-.03 ACADEMIC AND CLASSROOM MISCONDUCT.**

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.
- (2) Plagiarism, cheating and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.
- (3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate institutional procedures.
- (4) Disruptive behavior in the classroom may be defined, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), the continued use of any electronic or other noise or light emitting devices which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, game, etc.).
- (5) Class attendance and punctuality requirements are contracted between the faculty and the students, through specific expectations for attendance and punctuality and specific consequences that are outlined by individual faculty members in the printed syllabus for each course.

Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which students are unable to make immediate contact with faculty, the student may contact the Office of Student Affairs for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 11, 2004; effective December 29, 2004.

### **0240-3-5-.04 DISCIPLINARY SANCTIONS.**

(Rule 0240-3-5-.04, continued)

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions.
  - (a) Restitution. A student who has committed an offense against property may be required to reimburse the University or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
  - (b) Warning. The appropriate University official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
  - (c) Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violates any part of the Code of Conduct. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution community, but that any further violation may result in more serious penalties.
  - (d) Restriction. A restriction upon a student's organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the University in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.
  - (e) Referral to the University Counseling Center. The student is mandated to visit the University Counseling Center for an initial evaluation and follow-through on any prescribed treatment program.
  - (f) Construction or Educational Project. A project beneficial to the individual, campus and/or community may be required. Project will be related to the offense the student is guilty of violating.
  - (g) Assignment of work hours. A specified number of supervised hours of work to be completed on campus may be assigned. This work will be commensurate to the offense the student is guilty of violating.
  - (h) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of more serious disciplinary sanction.
  - (i) Suspension. If a student is suspended, he or she is separated from the institution for a stated period of time with conditions of readmission stated in the notice of suspension. Tennessee State University policy requires that any student receiving a penalty of suspension shall be restricted from the campus of Tennessee State University during the period of suspension unless on official business with the University verified in writing by the Dean of Students.
  - (j) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution. Tennessee State University policy requires that any student receiving a penalty of expulsion shall be restricted from the campus of Tennessee State University during the period of expulsion unless on official business with the University verified in writing by the Dean of Students.

(Rule 0240-3-5-.04, continued)

- (k) Interim or summary suspension. As a general rule, the status of a student accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well being of the accused, or any member of the institution community or guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of an immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible. Tennessee State University policy requires that any student receiving a penalty of interim or summary suspension shall be restricted from the campus of Tennessee State University during the period of interim or summary suspension unless on official business with the University verified in writing by the Dean of Students.
- (l) Fine. Fine of not more than \$200. This sanction shall apply to violations of the following disciplinary offenses: misuse of documents or identification card, and failure to cooperate with institutional officials.
- (3) The President or his designee may, in his or her discretion, convert any sanction imposed to a lesser sanction or rescind any previous sanction, in appropriate cases.
- (4) The University retains jurisdiction over students who have been placed under suspension or probation for the purpose of reviewing actions by the students that constitute a violation of the term of the student's probation or suspension or a further violation of University regulations even though said student may not be currently enrolled at the time the infraction occurs.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992.

#### **0240-3-5-.05 DISCIPLINARY PROCEDURES.**

- (1) General Statement.
  - (a) The following is a description of the procedures by which the University enforces its standards of student conduct. Inherent in these procedures is the University's recognition of its obligation to protect the rights and privileges of its students in accordance with the guarantees afforded all citizens under the Constitution of the United States and due process as interpreted by appropriate judicial authority.
  - (b) The maintenance of order and the enforcement of the rules and regulations of the University and the State Board of Regents is vested with the President of the University. This responsibility is routinely delegated through the Vice President for Student Affairs to the Student Personnel Deans and the faculty and students appointed to participate in the administration of these procedures.
  - (c) The University recognizes its dependence on the fairness, objectivity and sound judgment of lay personnel in the administration of student discipline. It, therefore, expects that the guiding principle and the execution of these processes shall be objectivity, fairness and the pursuit of justice. Consistent with this end the principles of fair play and due process are to be extremely adhered to; however, this should not be interpreted to commit the University or its personnel's

(Rule 0240-3-5-.05, continued)

adherence to the meticulous details, rules and procedures of a courtroom setting under the control of legal professionals.

- (2) Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
  - (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
  - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
- (3) Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the institution for disciplinary reasons, (ii) revocation of registration of a student organization during the terms of the registration are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act and shall be processed in accordance with the Uniform Contested Case Procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with university procedures established by these rules.
- (4) University Pre-Hearing Procedures.
  - (a) The student personnel dean (hereinafter referred to as Dean) shall collect all relevant information concerning the alleged violation, including, if possible, written statements from the accused student, any witnesses, and all other parties with knowledge of the incident.
  - (b) At a preliminary conference, the Dean shall advise the student of the charge, and the student shall elect either to contest the charge or not.
  - (c) If a student chooses not to contest the charge, the student shall waive in writing a hearing on the charge, and the Dean shall advise him/her of the proposed sanction. The student may elect, in writing, to contest the proposed sanction through a hearing before the Student/Faculty Advisory Committee. The hearing in such a case shall be limited to the issue of sanction, with the result being a recommendation to the Vice President for Student Affairs to the appropriate sanction.
  - (d) If the student chooses to contest the charge, the case shall be referred for a hearing. At any time, however, informal disposition of the case may be made by stipulation, agreed settlement, default, or consent.
  - (e) Execution of a waiver of hearing, agreed settlement, consent, or stipulation shall be binding on the student and may not be altered or revoked without concurrence of the Dean.
  - (f) At the conclusion of the preliminary conference, the Dean shall execute the Dean's Preliminary Conference Form reflecting the action taken or to be taken in the case.
  - (g) If the student fails to appear for the preliminary conference, the Dean may initiate the hearing procedures described below.
- (5) University Hearing Procedures.
  - (a) Notice - If a student elects a hearing under these procedures to contest a charge of misconduct, the student shall receive written notice of the hearing at least ten (10) days in advance, which notice shall include the following:

(Rule 0240-3-5-.05, continued)

1. Date, time and place of the hearing;
  2. The particular violation(s) of regulation(s) with which the student is charged;
  3. Notice of the accused student's right to respond to the notice of hearing and charges within five (5) days of its service upon the student, which shall be made in person by an appropriate official of the University, or if the student is unavailable, the notice shall be sent by certified mail to the student's last known address;
  4. The notice of the accused student's right to review in advance any evidence or materials in the possession of the University which can reasonably be expected to be entered in the record of the hearing;
  5. A description of the procedure and rules which will govern the conduct of the hearing, which include the following:
    - (i) The right of the student to be accompanied by an advisor. Students who intend to use legal counsel as advisors must so inform the University, through the Dean of Students' Office, seven (7) days before the hearing date for the purpose of having University legal representation.
    - (ii) The right of the student to call witness in his/her behalf;
    - (iii) The right of the accused student to confront witnesses against him/her;
    - (iv) The right of the accused student to present or state his/her case;
    - (v) The right of the accused student to receive a written decision from the Committee, within seventy-two (72) hours of the conclusion of the hearing, which shall specify any regulations which it determines the student has violated, and the recommendation to the Vice President for Student Affairs of the appropriate sanction. Such decision shall be forwarded by the office of the Dean of Students to the Vice President for Student Affairs who shall make the determination of the appropriate sanction.
- (b) The date for hearing should be set no less than ten (10) calendar days following receipt of the notice of hearing which should be served in person, the notice should be served by return receipt mail to the student's last known address. The person making personal service on a party shall make an affidavit on oath as to the time and place of service. The notice should also contain a description of the procedures and rules under which the hearing will be conducted. Further, the student shall be advised of his or her opportunity to respond to the notice within five (5) days of service of the notice and to review any evidence or materials in possession of the University which can reasonably be expected to be entered in the record of the hearing.
- (c) Hearing Committee - The hearing shall be conducted by the Student/Faculty Advisory Committee or the Student Affairs Administrative Council. Said Committees are appointed by the Vice President for Student Affairs acting upon authority delegated to that office by the President of the University. The Student/Faculty Advisory Committee is composed of members of the University faculty and/or staff recommended by the Deans and students recommended by the President of the Student Government Association. The Student Affairs Administrative Council is composed of the chairperson of the Student Faculty Advisory Committee or an Advisory Committee representative to serve at times when the chairperson is not available. The Committee shall consist of three (3) professional Student Affairs staff members, one faculty, one staff member and one student. Members will be appointed by the Vice President for



(Rule 0240-3-5-.05, continued)

Student Affairs. The Committees have the responsibility for determining the guilt or innocence of the accused student(s), and for making recommendations concerning sanctions of these students to the Vice President for Student Affairs.

- (d) Hearing Officer - The Chairperson of the Student/Faculty Advisory Committee shall be appointed as Hearing Officer by the Vice President for Student Affairs. The Chairperson is responsible for the conduct of the hearing, including relevant rulings on the hearing, including relevant rulings on the admissibility of evidence, and for preparing the hearing committee's written determination of guilt or innocence, and recommendation of sanction.
- (e) Recommendation - The Student/Faculty Advisory Committee, including the Chairperson, shall make a determination of the facts in the case based exclusively on the evidence presented and on matters officially noted for the record. If the Student/Faculty Advisory Committee, by a simple majority of the Committee's members present and voting, including the Chairperson, finds a student guilty, the Committee shall recall the Dean and the student for a review of the student's past record in determining the appropriate recommendation of sanction.
- (f) Sanction - Upon receipt of the determination and recommendation of the Student/Faculty Advisory Committee or the Student Affairs Administrative Council, the Vice President for Student Affairs shall, within a reasonable length of time, review the appropriate sanction(s) to be imposed. The Vice President for Student Affairs is not restricted to the recommendation of the Committee or the Council, and may choose to impose a penalty of greater or lesser severity where appropriate. The Office of the Dean of Students is responsible for service of the decision on all parties. Service shall be made in person, or if the student is not available for service in person, the decision shall be mailed by return receipt mail.
- (g) Record - A record which may consist of a taped or similar electronic recording shall be made of the proceedings. Such record may be transcribed upon request by any party which pays for the expense. If the University elects to transcribe the proceedings, any party shall be provided copies of the transcript upon payment to the University of a reasonable fee. The record shall include all evidence, statement, affidavits or matters officially noticed.
- (h) Petition for Rehearing - A student aggrieved by the decision of the Vice President for Student Affairs who desires to have the same modified or set aside may, within ten (10) days of the date of the decision, file a written Petition for Rehearing with the Office of the Dean of Students. The Petition for Rehearing shall specify in detail the grounds for the relief sought. The filing of such Petition for Rehearing shall not extend, modify, suspend or delay the effective date of the decision unless specifically so requested, and/or directed by the Vice President for Student Affairs. The thirty (30) day period for a party to file an appeal of the decision of the Vice President for Student Affairs shall be tolled by the submission of a timely Petition for Rehearing, and a new thirty (30) day period shall start to run upon disposition of the Petition for Rehearing. Petitions for Rehearing will be considered for the following grounds only:
  - 1. Some material error in procedure;
  - 2. Some material error in the Committee's Finding of Fact or Conclusions of Law;
  - 3. Discovery of new evidence unavailable at the time of hearing sufficiently strong to reverse or modify the decision which could not have been previously discovered by due diligence. Copies of such Petition for Rehearing shall be served on all parties of record by the Dean of Students.

The Vice President for Student Affairs may at his own discretion set the Petition for Rehearing before the Committee, or enter on Order with reference to the Petition without

(Rule 0240-3-5-.05, continued)

a hearing within ten (10) calendar days after the filing thereof. If no Order disposing of the Petition within this ten (10) day period is filed, the Petition for Rehearing shall be deemed to have been denied as of the conclusion of the ten (10) day period.

- (i) Petition for Reconsideration - A student, within ten (10) days after entry of the decision of the Vice President for Student Affairs, may file a Petition for Reconsideration with the office of the Dean of Students, stating the specific grounds upon which relief is requested. The filing of such Petition for Reconsideration shall not extend, modify, suspend or delay the effective date of the decision unless specifically so requested and/or directed by the Vice President for Student Affairs. Additionally, the thirty (30) day period in which a party may file an appeal shall be tolled by the submission of a timely Petition for Reconsideration and a new thirty (30) day period shall start to run upon disposition of the Petition for Reconsideration. The Vice President for Student Affairs shall, within ten (10) days after the filing of the Petition, either grant or deny the Petition. If granted, the Vice President for Student Affairs may modify his prior decision in whole or in part. If no action has been taken on the Petition for Reconsideration within ten (10) days of its filing, the Petition shall be deemed to have been denied.
- (j) Appeal - The decision of the Vice President for Student Affairs may be appealed to the President of the University within thirty (30) days of its filing. The President may affirm or overturn the decision of the Vice President for Student Affairs in whole or in part. The President may also reduce or set aside the sanctions imposed. The President's determination shall constitute the final decision at the institutional level.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed January 11, 2002; effective May 31, 2002.

#### **0240-3-5-.06 TRAFFIC AND PARKING REGULATIONS.**

- (1) Purpose. These regulations are applicable to all students, faculty, staff, contractual employees, and visitors to the Tennessee State University campuses. Students are required to obey these regulations as a condition of attendance at Tennessee State University. Faculty, staff, and contractual employees are required to obey the regulations as a condition of employment or contractual agreement.
- (2) Definitions of Terms.
  - (a) Campus. Shall refer to all property owned by Tennessee State University in Nashville, Tennessee, upon which the building and facilities that comprise Tennessee State University are located.
  - (b) Lawn. Any landscaped area, grassed area, or part of University grounds that is not covered by a building, sidewalk, street, or parking lot.
  - (c) Motor Vehicle. The terms "motor vehicle" or "vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon a highway, except devices which are moved by human power or are operated upon fixed rails or tracks. "Motor vehicles" and "vehicle" include automobiles, trucks, motorcycles, motorbikes, and other motor-powered vehicle operating on land.
  - (d) Offense. An offense is committed each time a vehicle is parked in violation of a parking regulation, commencing with the issuance of the first citation, or each time a moving traffic violation occurs.

(Rule 0240-3-5-.06, continued)

- (e) **Parked, Parking.** The standing of a vehicle upon a street or parking area, or grounds, whether the motor is running or not, without the occupancy of its driver, other than temporarily for the purpose of and while actually engaged in loading and unloading.
  - (f) **Parking Area.** Any place or area set aside, marked, posted or intended for parking of vehicles.
  - (g) **Registration.** Acquiring a Tennessee State University parking permit and properly displaying that permit on the vehicle.
  - (h) **Service Vehicle.** Any Tennessee State University-owned vehicle or commercially-owned vehicle used for the purpose of delivery, maintenance, repairs or servicing the University.
  - (i) **Loading Zone.** Those areas posted or marked for the use of service vehicles servicing the University in loading and unloading.
  - (j) **Restricted Parking.** The parking area set aside for the parking of vehicles bearing the particular permit for which that area is posted and reserved.
  - (k) **Commuter Parking.** The parking area set aside for the parking of vehicles for non-resident students.
  - (l) **Blue and White color Scheme.** Designated parking areas on the campuses: blue lines for faculty/staff; white for residence hall parking, for commuter students, visitors, vendors and contractors.
- (3) **General.**
- (a) The motor vehicle laws of the State of Tennessee are in effect on campus and other Tennessee State University property.
  - (b) Faculty, staff, students, contractual employees, and visitors are expected to know and comply with the State motor vehicle laws, the traffic ordinances of Metropolitan Nashville-Davidson County, and the Tennessee State University "Traffic and Parking Regulations."
  - (c) The maximum speed limit on all campus drives, roads, and streets is 15 mph unless otherwise posted.
  - (d) Driving of motor vehicles on campus walks and lawns is prohibited except when special permission has been granted by the Physical Plant Department for emergency conditions.
  - (e) Pedestrians shall be given the right-of-way at all crosswalks or when in compliance with existing traffic controls.
  - (f) Moving or driving around an authorized barricade shall not be permitted.
  - (g) Operators of vehicles shall comply with all traffic signs directing the movement of vehicles in parking lots.
  - (h) The Gentry Center parking lot will be utilized for overflow parking. Shuttle service will be available through Facilities Management.
- (4) **Parking Regulations.**

(Rule 0240-3-5-.06, continued)

- (a) Parking privileges in University parking lots, on campus, are available, upon application, to eligible members of the faculty, staff, contractual employees, student body, or visitors, subject to provisions set forth.
  - 1. Faculty, Staff, and Administrators. Faculty and staff members may apply for assignments in reserved (blue) parking areas.
  - 2. Student Parking on Campus.
    - (i) All students registered in school as full-time, part-time, or special students are to register their vehicles with the T.S.U. Police Department within a three-day period after vehicles are brought to campus, display in the middle of the front windshield a hang tag parking permit and park in the White lines for commuter and residential students.
    - (ii) On campus resident students are to use only the restricted resident hall parking areas assigned them.
- (b) Illegal Parking.
  - 1. Parking is prohibited any place on campus other than those areas which have been designated for parking and identified by signs controlling their use.
  - 2. Parking is prohibited at crosswalks, building entrances, fire hydrants, fire lanes and other areas posted "No Parking At Any Time" or marked by a yellow line. Vehicles in violation may be towed away.
  - 3. Taking a motor vehicle into any University building is prohibited except where a shop or garage is specifically designated for the purpose of vehicle repair or storage.
- (c) Improper Parking.
  - 1. Motorists can park by backing in or head on positions.
  - 2. Parking over or across stall marker lines, where such lines are provided, is subject to penalty for improper parking.
  - 3. Parking of motor vehicles, motorcycles, and small cars in odd-shaped spaces in parking lots is subject to penalty for improper parking.
  - 4. Parking without appropriate permit in all lots is subject to penalty.
  - 5. Tennessee State University assumes no liability or responsibility for damage to any vehicle parked in any University parking area.
- (d) Parking for students, faculty or staff members with disabilities.
  - 1. Designated spaces are provided for State certified handicapped persons whose automobiles display the authorized signs in addition to the official Tennessee State University vehicle registration.
  - 2. Persons who are not authorized but insist on parking in the space designated for the handicapped will be ticketed and towed at owner's expense.

(Rule 0240-3-5-.06, continued)

3. All students applying for handicap parking permits must meet with the office of Disabled Student Services before obtaining their parking permits from TSUPD. Disabled Student Services will forward the appropriate documentation to the Police Department Traffic Division.
- (e) Visitor's Parking.
1. Occasional visitors on campus shall come by the T.S.U. Police Department to register their vehicles and to receive information on parking.
  2. Visitors who have frequent occasion to visit the campus on business may apply for a visitor's parking permit. The application should be in written form (it shall be left to the discretion of the Vice President for Student Affairs whether or not these visitors should be charged a registration fee).
  3. Visitors enrolled in short courses for more than a two week duration should be considered as students and should purchase a special parking permit.
- (f) University-owned Vehicles.
1. Operators of university-owned vehicles are subject to all university traffic and parking regulations.
  2. University-owned vehicles shall be parked overnight in the carpool area located at the Operations Building unless otherwise accommodated. (This further gives security to the university-owned vehicles.)
    - (i) Such vehicles are not required to display a university parking permit. These vehicles may be parked in any of the parking lots but operators are advised to park in a manner whereas unnecessary space will not be occupied.
    - (ii) Operators of university-owned vehicles that are loading or unloading are encouraged to use space provided for loading or unloading.
- (g) Parking of an unauthorized vehicle in an authorized area will subject the violator to a penalty and/or having the vehicle towed away.
- (5) Affixing and Removal of Permits.
- (a) Parking permits shall be displayed on any vehicle parked on University property.
  - (b) The student permit shall be properly hung on the front windshield rearview mirror by midnight of the first Friday of the week that classes begin.
  - (c) Faculty, staff members and administrators are to properly display the parking permits (hangtags) no later than the third work day after becoming a staff member.
  - (d) Replacement of Permits
    1. Permits are transferable to any other vehicle owned or operated by the owner of the permit. However, ownership of the permit is not transferable; violation of this policy subjects the vehicle to being towed and all parking privileges revoked for parties involved.

(Rule 0240-3-5-.06, continued)

2. Upon substantial evidence that the original parking permit has been lost, stolen or destroyed, a duplicate sticker will be issued upon payment of a \$2 fee.
3. Student permits are non-transferable.

(6) Penalties:

(a) Violations of the following will result in the specified fines:

1. Reckless driving and speeding:  
1st Offense - \$25  
2nd Offense - \$50
2. Failing to yield to pedestrians at a crosswalk:  
1st Offense - \$15  
2nd Offense - \$30
3. Registration violation: no sticker or fraudulent registration:  
1st Offense - \$15  
2nd Offense - \$30
4. Driving over or parking on lawn, curbs or walkways:  
1st Offense - \$15  
2nd Offense - \$30
5. Parking within ten (10) feet of a fire hydrant:  
1st Offense - \$15  
2nd Offense - \$30
6. Parking in a "No parking" area or reserved area:  
1st Offense - \$5  
2nd Offense - \$10
7. Blocking drive, walkway, door, fire lane, or traffic:  
1st Offense - \$25  
2nd Offense - \$50
8. Improper parking (backed in, or not between lines, etc.):  
1st Offense - \$5  
2nd Offense - \$10
9. Disabled parking violation:  
Each Offense - \$100
10. Blocking fire lane:  
1st Offense - \$25  
2nd Offense - \$50

- (b) Receiving an excessive number of tickets within a period of one semester may result in suspension of the operator's privileges of operating or parking his/her motor vehicle on campus for the remainder of the school year. The vehicle involved will be placed on a towing list and subsequently towed from campus anytime it is parked on campus during the period of suspension. A letter acknowledging such a suspension, or further violations after the

(Rule 0240-3-5-.06, continued)

suspension is effective, will be sent to the appropriate dean or supervisor of the person involved.

- (c) Penalties for violations committed with a particular vehicle will be charged against the registrant without regard to whether the registrant was operating the vehicle. In the case of non-registration, the penalty will be assessed against the person who should have registered the vehicle, or if there be more than one, they shall be severally liable for the penalty.
- (d) Collection of penalties.
  - 1. All penalties must be paid at the Cashier's Office during the hours of 8:30 a.m. to 3:30 p.m. Monday through Friday.
  - 2. Penalties assessed against students, unless paid as herein provided, will be charged to the individual student's account with the University and treated on the same basis as any other debt due the University.
  - 3. Penalties assessed against faculty members and other employees, unless paid as herein provided, will result in copies being distributed to the Cashier's Office and department heads if not paid within five (5) days.
- (7) Failure to pay penalties.
  - (a) A student cannot register or receive grades or transcripts until all outstanding obligations to the University are paid. The amount of the penalty may be added to the student's fees at registration.
  - (b) The amount of the penalty may be deducted from the paycheck of the University employee, pursuant to Board of Regent's guidelines.
  - (c) Habitual and flagrant violators of the regulations will be referred to the Faculty Advisory Committee.
- (8) Appeal of Parking/Traffic Citation.
  - (a) Any person who receives a parking/traffic citation may appeal the citation within fifteen (15) working days of issuance by filing an appeal with the Chair of the Traffic Committee. A person must complete the appeals request form and provide a written explanation for the basis of appeal. The Parking and Traffic Committee will review the appeals request on the last Monday of each month. The Parking and Traffic Committee will issue a written decision on the following Wednesday, a total of two working days after the appeal has been reviewed.
  - (b) Within ten (10) working days after the Parking and Traffic Committee issues its written decision, a dissatisfied party may submit a written request for reconsideration to the Vice President for Student Affairs. The Vice President for Student Affairs shall grant or deny the petition within ten (10) working days. The Vice President's determination shall constitute the final decision at the institutional level.

**Authority:** T.C.A. §49-8-203. **Administrative History:** New rule filed August 2, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 19, 2007; effective May 31, 2007.

(Rule 0240-3-5-.06, continued)

**0240-3-5-.07 REGISTRATION OF AUTOMOBILES.**

- (1) (a) A student who owns and/or operates an automobile on or off the campus must register the vehicle using the following steps:
  1. Use the internet and use the University homepage which is <http://www.tnstate.edu> and then click campus police, then click parking decals/permits, or use the direct link <http://laforge.tnstate.edu/cpol/cpol/default.asp>.
  2. Use your social security number for the User ID then press enter.
  3. Fill in all the information on that page.
  4. Press submit.
  5. Then go to the place where parking permits/decals are being issued.
  6. You should make sure you are registered with your classes before obtaining a parking permit; your General Access Fee pays for your parking permit.
  7. Please have driver's license and car registration and student or faculty ID in hand.
- (b) Decals are not transferable and must be removed under the following conditions:
  1. Change of ownership
  2. Termination as University student
  3. Expiration
- (c) All automobiles are required to be registered and to use designated parking lot area.
- (d) A student or resident, so identified failing to register such vehicle(s) or to display a current identification sticker(s) thereon is subject to a penalty or tow-in.
- (e) Registration of any motor vehicle shall be in only one name.
- (f) Providing erroneous information on a registration or a parking permit application is subject to a penalty.
- (g) Altering or counterfeiting any parking permit shall be subject to a penalty.
- (h) Upon issuance of a new license plate, the person in whose name a vehicle is registered at the University shall report the new license number to the T.S.U. Police Department within seven (7) days after issuance.
- (i) All automobiles on both campuses are required to be registered and display Tennessee State University and Metro decals and use a designated parking lot area. The fee for parking permits per calendar year is \$65.55 for faculty and staff. Payment of fees will be made in the Business Office located in the Administration Building (Main Campus) or in the Business Office located in Room 253 of the Avon Williams Campus. A second decal may be purchased for an individual's second vehicle for \$2.00 with proof of the paid receipt for the first vehicle. Upon substantial evidence that the original parking permit has been lost, stolen, or destroyed, a duplicate decal will be issued upon payment of a \$2.00 fee. Payment for parking permits is non-refundable.



(Rule 0240-3-5-.07, continued)

- (j) A fee for parking will be assessed per calendar year for faculty and staff. A cashier's receipt must be presented when obtaining a decal.
- (k) Parking permits are issued at the beginning of the school year and expire the following August (from August to August).
- (l) Permits/decals will be issued at the TSU Police Department or other designated locations.
- (m) All automobiles on both Tennessee State University campuses are required to be registered, display proper State registration, and are required to use designated parking areas.

**Authority:** T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 11, 2004; effective December 29, 2004.

**0240-3-5-.08 REPEALED.**

**Authority:** T.C.A. §49-8-203. **Administrative History:** Original rule filed January 31, 1986; effective April 16, 1986. Repeal filed February 28, 2000; effective June 28, 2000.